

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6284 of 2017

ORDER:

This criminal petition is filed by the petitioners-accused Nos.2 and 3, under Section 438 of Cr.P.C., seeking pre arrest bail in Crime No.142 of 2017 on the file of the Station House Officer, Mangalagiri Town Police Station, Guntur District, registered for the offences punishable under Sections 498-A and 306 of IPC.

2. The present case was registered basing on the statement given by Tamirisa Bhuvaneswari (hereinafter referred to as, the deceased) while undergoing treatment in Government General Hospital, Guntur. A perusal of the record reveals that the marriage of the deceased was performed with accused No.1 in the year 2013 as per Hindu rites and caste customs. Out of lawful wedlock, they were blessed with a son. Due to misunderstandings, the deceased had been residing in the house of her parents along with her son.

3. It is the prosecution case that on 12.6.2017 the petitioners along with accused No.1 came to the parents' house of the deceased, when her parents were not in the house, and had forcibly taken away the son of the deceased. While taking away the boy, accused No.1 threatened the deceased that he would give divorce to her. Unable to bear the harassment of the petitioners, on 17.6.2017, the deceased herself poured kerosene on her body and set fire, with an intention to commit suicide. She died on 23.6.2017 while undergoing treatment.

4. The petitioners filed CrI.M.P. No.1442 of 2017 on the file of the Court of III Additional Sessions Judge, Guntur, under Section 438 of Cr.P.C., and the same was dismissed on 13.7.2017.

5. The learned Additional Public Prosecutor representing the State opposed the bail petition. The learned counsel for the petitioner submitted that the petitioners, who were falsely implicated in the case, have nothing to do with the family affairs of accused No.1 and the deceased, as they had been residing in Suryapet. In order to appreciate the contention of the learned counsel for petitioners, this Court has carefully perused the Case Diary as well as the Dying Declaration of the deceased. Whether the petitioners were falsely implicated or not will come to light during the course of investigation. The record *prima facie* reveals the role played by the petitioners in the commission of the alleged offence.

6. Taking into consideration the gravity of the offence as well as the stage of the investigation, I am of the considered view that it is not a fit case to grant anticipatory bail to the petitioners.

7. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 24, 2017
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